

of its guaranties to the disruption of every tie which binds her to the Union. Georgia declared, in 1850, through her Convention, amongst many other causes then enumerated, that she would resist, to the disruption of every tie, the refusal to admit as a State any Territory hereafter applying, because of the existence of slavery. That declaration has met with universal acquiescence in the South. Texas should not—she will not occupy a position strange to that of her Southern Sisters, on a question that under-lies the whole basis of her present and future development, and upon which, in an eminent degree, the structure of society rests. There should be left no doubt resting on the public mind, either at home or abroad, in the event of so threatening an emergency. It therefore becomes your duty, as the Representatives of her people, to indicate that position.

It is my own deliberate judgment, that, if Congress refuses to admit Kansas as a State, with the Constitution she now presents, for any other cause than that said Constitution is not republican in its character, the time will have come when the Southern States should look to themselves for the means of maintaining their future security. I therefore recommend the adoption of resolutions to that effect, and that power and authority be given to this Department to co-operate fully in whatever movement may be determined upon by the other Southern States, and that copies of those resolutions be forwarded to our delegation at Washington.

H. R. RUNNELS.

On motion of Mr. Russell, the Senate adjourned until to-morrow morning at 10 o'clock.

THURSDAY, January 21st, 1858.

The Senate met pursuant to adjournment—prayer by the chaplain—roll called—quorum present.

The Journal of yesterday was read and adopted.

Mr. Walker presented the petition of sundry citizens of Ellis county, praying a reduction of the license tax upon the retail of spirituous liquors; referred to the Judiciary committee.

Mr. Stockdale presented the petition of Wm. Warring, asking a headright certificate for land; referred to the committee on Private Land Claims.

Mr. Taylor of Cass made the following report :

The committee on Public Debt, to which was referred a bill for the relief of G. W. Newcome, have considered the same, and find that the bill proposes to pay Mr. Newcome for re-surveying University lands. The committee are satisfied that the work was done, and recommend the passage of the bill.

On motion of Mr. Throckmorton, the rule was suspended, bill read a second time and passed to a third reading.

Rule further suspended, bill read a third time and passed.

Mr. Britton, from the committee on Private Land Claims, made the following report :

The committee on Private Land Claims have considered a bill to relinquish the right of the State to certain lands therein named, and beg leave to report :

By an act, approved February 11, 1854, a board of land commissioners was organized to investigate land titles west of the Nueces river. This board investigated a large number of titles—some of which were confirmed and others rejected. At the succeeding session of the Legislature a bill was introduced to relinquish the right of the State to all the titles presented to the board, as well as several titles which were not presented for investigation, which bill passed, but was vetoed by the Governor because it embraced titles which had been rejected by the board. This bill only embraces titles which were not obnoxious to the Governor's veto message.

It appears that the report of the Commissioners has been lost, or destroyed. But Mr. Haynes, a member of the other House, was Secretary of the Board, and has drawn up the present bill, and from his evidence the committee are satisfied that the bill under consideration only includes those titles recommended for confirmation. The committee therefore instruct me to report the bill back to the Senate for its further action.

Mr. Martin, chairman of the committee on Private Land Claims, to which was referred a bill for the relief of Hannah Alexander, reported the same back and recommended its passage.

Mr. McCulloch, chairman of the committee on Counties and County Boundaries, to which was referred a bill for the relief of the county surveyor of Parker County, reported a substitute therefor, and recommended the adoption of the substitute and the passage of the bill.

A message was received from the House, informing the Sen-

ate that the House had passed the following bills originating in that body :

A joint resolution to procure the erection of Post Offices and Federal Court Houses at Austin and Tyler ;

A bill to incorporate the town of Gilmer ;

A bill to incorporate the town of Clinton in DeWitt county ;

A bill amendatory of an act to locate permanently the county seat of Kaufman county, approved December 2, 1850, and an act to provide for the erection of public buildings in Kaufman county, approved December 13, 1851 ; and

A Senate's bill for the relief of Wm. J. Whiting, with amendments ;

And that the House had adopted the following resolution :

Resolved, the Senate concurring, That the two houses of the present Legislature will adjourn, *sine die*, on the 8th day of February next.

Mr. Lott introduced a bill for the relief of W. W. Ray ; read first and second times and referred to the committee on Private Land Claims.

Mr. Walker introduced a bill to authorize and require the Chief Justice of Tarrant county to order an election to locate permanently the seat of justice in said county ; read first and second times and referred to the committee on the Judiciary.

Mr. Caldwell introduced a bill to establish and incorporate a school for the blind ; read first and second times and referred to the committee on the Judiciary.

Mr. Walker introduced a bill for the relief of John E. and Wm. J. Holland ; read first and second times and referred to the committee on Private Land Claims.

Mr. Burroughs introduced a bill to release and remit all fines and penalties incurred under the provisions of an act to authorize the County Courts of this State to grant a license for the retail of spirituous, vinious and other intoxicating liquors in quantities less than one quart, and imposing a license tax for the privilege, approved February 2, 1856 ; read first and second times and referred to the committee on the Judiciary.

Mr. Potter introduced a bill to provide for the purchase of an additional supply of Texas Reports ; read first and second times and referred to the committee on the Judiciary.

Mr. McCulloch introduced a bill to prohibit the owners of slaves from placing them in charge of farms or stock ranches,

detached from the home or residence of the owner or employer; read first time.

Mr. Graham introduced a bill for the relief of Mary Langford; read first and second times and referred to the committee on Private Land Claims.

Mr. Potter introduced a bill to prohibit the issuance or delivery of land certificates, and the survey or patenting of land to the Galveston, Houston and Henderson Railroad company, until said company shall have complied with the requirements herein named; read first time.

On motion of Mr. Potter, the rule was suspended, bill read a second time and ordered to be engrossed.

Rule further suspended, bill read a third time and passed unanimously.

On motion of Mr. Pedigo, a bill for the relief of Hannah Alexander was taken up and read.

On motion of Mr. Guinn, the bill was amended by striking out "or assignees," wherever it occurred in the bill.

The bill was then ordered to be engrossed.

Rule further suspended, bill read a third time and passed.

Mr. Russell introduced a bill to legalize the acts of Wm. T. Harris, county surveyor of Wood county; read first time.

On motion of Russell, the rule was suspended, bill read second time and ordered to be engrossed.

Rule further suspended, bill read a third time and passed.

On motion of Mr. Taylor of Cass, a bill making an appropriation for the payment of certain Public Debt of the late Republic of Texas, known as Second Class C, was taken up, read and ordered to be engrossed.

Rule suspended, bill read a third time and passed.

Mr. Herbert introduced a bill to amend an act to provide for the registry of deeds and other instruments of writing; read first and second times and referred to the committee on the Judiciary.

On motion of Mr. Russell, a bill to provide for the assessment and collection of taxes, was taken from the table and made the special order for to-night at 7 o'clock.

On motion of Mr. Herbert, the joint resolution to amend the Constitution, so as to allow banking, was taken up and read.

On motion of Mr. Paschal, this and all other joint resolutions proposing constitutional amendments, were made the special order for Saturday next.

Mr. Russell, chairman of the committee on Engrossed Bills, reported—

A bill for the relief of Wm. T. Harris, correctly engrossed.

Mr. Erath made the following report :

The committee of Conference, to which was referred the points of disagreement between the two houses on the bill supplemental to an act to give to each corporate county in this State its own county surveyor, map and records, recommend the following changes in the bill and amendments :

Let the caption read :

“A bill supplemental to and amendatory of an act to give to each corporate county in this State its own county surveyor, map and records, and defining the duties of surveyors.”

Add to section 6, as proposed by the House amendments, the following :

“Provided, that when any such unorganized county may have been taken from two or more Land Districts, a special surveyor shall be appointed as herein provided, by each District Surveyor, for so much of said county as may have been taken from his District.”

The committee recommend the adoption of these amendments, and that the Senate concur in the House amendments.

[Signed,]

GEORGE B. ERATH, .

Chairman on part of the Senate.

JOHN HENRY BROWN,

Chairman on part of the House.

On motion of Mr. Throckmorton, the rule was suspended, the report taken up and adopted.

On motion of Mr. Throckmorton, the following House bills were severally read first and second times and referred as stated :

A bill to amend an act to provide for the investment of the Special School Fund in the bonds of Railroad companies incorporated by the State ; to the committee on Internal Improvements.

A bill to incorporate the town of Marlin ; to the committee on the Judiciary.

A bill supplemental to and amendatory of an act providing for the support of Schools, approved August 29, 1850 ; to the committee on Education.

A bill to incorporate the Millville Male and Female Academy in Rusk county ; to the committee on State Affairs.

A bill for the relief of Henry Hilton; to committee on Private Land Claims.

A Joint Resolution recognizing the rank of P. W. Humphries, as a Commander in the late Navy of Texas, at the date of annexation; to the committee on State Affairs.

A bill to purchase a permanent site for the location of the Institution of the Deaf and Dumb; to the committee on Education.

A bill to incorporate the town of Clinton in Dewitt county; to committee on the Judiciary.

A bill amendatory of an act to locate permanently the seat of Justice of Kaufman county, approved, December 2d, 1856, and an act to provide for the erection of Public buildings in Kaufman county, approved, December 13th, 1851; to the committee on Counties and County Boundaries.

A joint resolution to procure the erection of Court Houses and Post Offices in Austin and Tyler; read first time.

On motion of Mr. Caldwell, the rule was suspended and bill read a second time.

On motion of Mr. Scarborough, the joint resolution was so amended as to include Brownsville.

Also, on motion of Mr. McCulloch, the bill was further amended by adding to section 1 the following:

“And at such other places as the United States District Court may be held in the State of Texas, where there is no appropriation for that purpose.”

On motion of Mr. Paschal, the bill was further amended, by adding the following as section 2:

Be it further Resolved, That our Senators and Representatives be requested to use their influence to procure the creation of a third Judicial District, to be taken from the Western District of Texas, lying west of the Guadalupe river, and embracing the county of El Paso, and the counties on the Rio Grande North of the Eastern District.

On motion of Mr. Potter, the word “instructed” was stricken out wherever it occurred.

On motion of Mr. Potter, the joint resolution was further amended by striking out all relating to the purchase of lots in the city of Austin.

Mr. Lott moved to lay the joint resolution on the table; lost.

It was then passed to a third reading.

Rule further suspended, joint resolution read a third time and passed.

A bill supplemental to an act to change the time of holding the District Courts in the 11th Judicial District; read first time.

On motion of Mr. Hyde, the rule was suspended, bill read second time and passed to a third reading:

Rule further suspended, bill read a third time and passed.

A bill to authorize the Clerk of the District Court of Nacogdoches county to transcribe certain records therein named; read first time.

On motion of Mr. Fall, the rule was suspended, bill read second time and passed to a third reading.

Rule further suspended, bill read a third time and passed.

A bill to incorporate the town of Gilmer, was read first time.

On motion of Mr. Russell, the rule was suspended, bill read second time and passed to a third reading.

Rule further suspended, bill read third time and passed.

A bill to incorporate the New Braunsfels Academy; read first time.

On motion of Mr. McCulloch, the rule was suspended, and bill read second time.

On motion of Mr. Taylor of Cass, the bill was amended by limiting the duration of the charter to twenty years from its passage.

The bill was then passed to a third reading.

Rule further suspended, bill read a third time and passed by the following vote:

YEAS—Messrs. Britton, Burroughs, Caldwell, Erath, Graham, Grimes, Hyde, McCulloch, Martin, Maverick, Paschal, Pedigo, Pirkey, Potter, Russell, Scarborough, Taylor, of Cass, Throckmorton, Truitt, Whaley, Wigfall and Wren—22.

NAYS—None.

Mr. Wigfall moved a reconsideration of the vote just taken; carried.

On motion of Mr. Potter, the bill was referred to the committee on Education.

A bill to incorporate the Dallas Lodge, No. 44, I. O. O. F., was read first time.

On motion of Mr. Walker, the rule was suspended, and bill read a second time.

On motion of Mr. Potter, the bill was amended by limiting the duration of the charter to twenty years from the passage of the act.

The bill was then ordered to a third reading.

Rule further suspended, bill read a third time and passed by the following vote :

YEAS—Messrs. Britton, Burroughs, Caldwell, Erath, Graham, Grimes, Guinn, Herbert, Hyde, Lott, McCulloch, Martin, Maverick, Paschal, Pedigo, Pirkey, Potter, Quinan, Russell, Scarborough, Taylor, of Cass, Taylor of Fannin, Throckmorton, Truitt, Walker and Whaley—26.

NAY—Mr. Wren—1.

On motion of Mr. Quinan, a bill authorizing the fund set aside for San Barnard river to be used in the construction of a canal or railroad, was taken from the table, read and ordered to be engrossed.

Rule suspended, bill read a third time and passed.

A message was received from the House, informing the Senate that the House refused to recede from its third amendment to a Senate's bill to amend an act to incorporate the Memphis, El Paso, and Pacific Railroad company, and had appointed Messrs. Munson, Runnels, Crook, and Smith of Fannin, a committee of Conference on the part of that body, and requested the appointment of a like committee on the part of the Senate.

On motion of Mr. Throckmorton, a committee of Conference was ordered on the part of the Senate.

The President appointed Messrs. Throckmorton, Pirkey and McCulloch the committee.

On motion of Mr. McCulloch, Mr. Erath was added to the committee.

On motion of Mr. McCulloch. the Senate adjourned until 7 o'clock, P. M.

7 O'CLOCK, P. M.

The Senate met—roll called—quorum present.

A message was received from the Governor transmitting the following communication :

EXECUTIVE OFFICE, }
JANUARY 21, 1858. }

Gentlemen of the Senate, and

House of Representatives :

I return herewith to the Senate, in which it originated, a bill for the relief of Mary A. Collins.

I am informed by the Commissioner of the General Land Office that a certificate was issued to Mary Anthony, *alias* Mary Collins, on the 8th of February, 1853, in accordance with the provisions of an act, approved February 5, 1853.

With this information before me, and having no evidence in my possession of any other claim to relief of the party applying, I cannot give the act my approval, and therefore return it for your reconsideration.

[Signed,]

H. R. RUNNELS.

On motion of Mr. Britton, the message and accompanying papers were referred to the committee on Private Land Claims.

The bill to authorize the Governor to appoint five Major Generals, with the substitute offered therefor, entitled a bill supplemental to and amendatory of an act to organize the Militia of the State, special order of the day, was taken up, read and the substitute was adopted.

The bill was then ordered to be engrossed

On motion of Mr. McCulloch, the rule was suspended, bill read a third time, and the yeas and nays being demanded on its final passage, stood as follows :

YEAS.—Messrs. Burroughs, Caldwell, Erath, Lott, McCulloch, Pedigo, Pirkey, Quinan, Russell, Wigfall and Wren—11.

NAYS.—Messrs. Britton, Graham, Grimes, Guinn, Herbert, Hyde, Martin Maverick, Potter, Taylor of Cass, Taylor of Fannin, Throckmorton, Truitt, Walker and Whaley—15.

A bill to protect the frontier, being next in order, was read, and on motion of Mr. Erath, laid on the table.

A bill to provide for the assessment and collection of taxes, also special order for to-day, was taken up and read.

On motion of Mr. Throckmorton, the bill was amended by striking out "four," in section 3, line 7, and inserting "ten" in lieu thereof.

Mr. Quinan moved to strike out all after the word "assessment." in line 3, section 3 ; lost.

Mr. Quinan moved to strike out sections 45 and 46.

On motion of Mr. Potter, the bill was laid on the table.

A message was received from the House, informing the Senate that the House had passed—

A Senate's bill for the relief of John McLaughlin ;

And that the House had adopted the report of the committee of Conference on the amendments of the House to a Senate's bill to give to each corporate county in this State its own county surveyor, map and records ;

And also, that the House had passed a Senate's bill supplemental to an act to create the counties of Archer, Mason, Menard, Hardin, Hamilton, Kimble, Buchanan and Zapata.

Mr. Caldwell offered the following resolution :

Resolved, That the committee on Printing be authorized to contract for one thousand copies of the Tri-Weekly Intelligencer, containing the report of the committee on State Affairs, and the bill to establish the University of Texas, for the use of the Senate.

Adopted by the following vote :

YEAS—Messrs. Britton, Caldwell, Erath, Graham, Grimes, Guinn, Herbert, Hyde, McCulloch, Maverick, Paschal, Pedigo, Potter, Quinan, Scarborough, Shepard, Taylor of Cass, Taylor of Fannin, Throckmorton, Truitt, Whaley and Wigfall—21.

NAYS.—Messrs. Burroughs, Grimes, Lott, Martin, Pirkey, Russell and Walker—7.

Mr. Burroughs, from the committee on Enrolled Bills, reported the following bills correctly enrolled, properly signed, and this day presented to the Governor :

A bill supplemental to an act to create the counties of Archer, Mason, Menard, Hardin, Hamilton, Kimble, Buchanan and Zapata.

A bill to amend the 4th section of an act to provide for the investment of the special school fund in the bonds of Railroad Companies incorporated by the State.

A bill to fix the time of holding Courts in the 10th Judicial District, and

A bill to incorporate the Grand and Subordinate Lodges of Free and Accepted Masons in this State.

The report of the committee on Public Debt, recommending the rejection of the petition of Sidney O. Pennington, was read and adopted.

A bill to authorize the sale and settlement of the alternate sections of land reserved to the State in Fisher's and Miller's Colony &c., was read and ordered to be engrossed.

On motion of Mr. McCulloch, the rule was suspended bill read a third time and passed.

The report of the committee on Public Lands, recommending the indefinite postponement of the memorial of Henry P. Hill, was read and adopted.

The report of the committee on State Affairs, recommending the indefinite postponement of a Resolution instructing said committee to enquire into the expediency of establishing by law a board of Medical sensors, was read and adopted.

The report of the committee on State Affairs recommending the rejection of a Joint Resolution to authorize the Governor to employ suitable persons to transcribe the Journals of the two Houses of the Legislature, was read and adopted.

A bill supplemental to an act making provision for running and making the boundary line between the State of Texas, and Territories of the United States, was read and passed to a third reading—rule suspended bill read a third time and passed.

The report of the committee on the Judiciary, offering a bill further regulating the proceedings in the District Courts as a substitute for several bills relating to the same subject, which had been referred to said committee, was read and the substitute adopted.

Mr. Pottor offered the following as section 12 :

The numbers to be changed accordingly, “after the trial of any cause, when either party intends to remove the same into the District court for revision, the parties may with the consent and approval of the Judge who tried the cause, and without the necessity of copying the entire proceedings, agree upon such a statement of the case, and the facts proven, if any in their opinion will be necessary to show whether there has been any error in the proceedings ; and such statement shall be signed by the Attorneys of the parties and certified by the Judge, and filed as a part of the Record of the cause ; and a copy of such statement and the Judgement in the case, and the assignment of errors, certified by the clerk of the court, shall be a sufficient transcript of the proceedings to be taken to the Supreme Court and to entitle the parties to a trial therein upon the points presented for revision. In all cases proposed to be removed to the Supreme Court, where such agreed statement is not made, approved and filed, as in this section provided, the Clerk shall make out and send up the full trans-

cript of the proceedings as is now provided by law." Adopted.

And also the following amendments :

Section 21. That the second and third sections of the act of February 5th, 1840, to enable part wners of land to obtain partition thereof and for other purposes, be, and the same is hereby repealed. Adopted.

Amend section 10 by adding,

"Whenever in any cause it may be material to prove the assessment of any property for taxes, or the payment of any taxes, the certificate of the Comptroller of this State of such assessment from the rolls deposited in his office, or the payment of such taxes is shown by the Records of his office, shall be admissible to prove the same. Adopted.

Mr. Burroughs moved to strike out section 17—lost.

The bill was then ordered to be engrossed.

On motion of Mr. Paschal, the rule was suspended, bill read a third time and passed.

On motion of Mr. Quinan, a bill to exempt certain property from execution and forced sale, was made the special order for to-morrow.

On motion of Mr. Paschal the Senate adjourned until to-morrow morning 10, o'clock.

FRIDAY, January 22, 1858.

The Senate met pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The Journal of yesterday was read and adopted.

A message was received from the House informing the Senate that the House had passed a bill orginating in the Senate for the relief of the Washington county Railroad Company, and

A Joint Resolution, originating in the House, relative to the Coupon Bonds.

Also that the House had appointed Messrs. Edwards, Evans, of McClennan and Shannon, a Special committee on the petitions of the citizens of the frontier counties relative to Indian Depredations, and request the appointment of a like committee on the part of the Senate.

Mr. Grimes presented the petition of Y. P. Alsbury ; referred to the committee on Claims and Accounts.

Mr. Potter made the following report :